

Before the
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

| | | |
|--|---|-----------------------|
| In the Matter of |) | |
| |) | |
| Request for Review by |) | |
| |) | |
| Lauderdale County Board of Education |) | File Nos. SLD-220123 |
| Florence, Alabama |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 ✓ |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21 |
| National Exchange Carrier Associations, Inc. |) | |

ORDER**Adopted: March 31, 2003****Released: April 2, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Lauderdale County Board of Education (Lauderdale), Florence, Alabama.¹ Lauderdale seeks a waiver of the Commission's rules governing discounts for services under the schools and libraries universal service support mechanism.² Specifically, Lauderdale requests a waiver of the filing deadline for Funding Year 2001.³ For the reasons set forth below, we deny Lauderdale's Request for Review.

2. In its initial decision, SLD rejected Lauderdale's application for failure to meet SLD's minimum processing standards by not having a signature on the certification page.⁴ Lauderdale states that it received the letter on January 22, 2001, and immediately returned the corrected form to SLD.⁵ SLD then accepted Lauderdale's application but declared it as filed

¹ Letter from Jerry Fulmer, Lauderdale County Board of Education, to Federal Communications Commission, filed August 17, 2001 (Request for Review). Lauderdale asks for a waiver, but also asserts that its material was filed on time.

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ See Request for Review. In prior years, Funding Year 2001 was referred to as Funding Year 4. Funding years are now described by the year in which the funding period starts. Thus, the funding period that began on July 1, 1999, and ended on June 30, 2000, previously known as Funding Year 2, is now called Funding Year 1999. The funding period that began on July 1, 2000, and ended on June 30, 2001, is now known as Funding Year 2000, and so on.

⁴ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Mark Wilson, Lauderdale County Board of Education, dated January 19, 2001.

⁵ SLD Appeal Letter.

outside the filing window.⁶ Lauderdale argues that it should not be penalized for having originally placed the signature on an attachment instead of the certification page, and that if SLD had been quicker to notify it about the error, Lauderdale could have corrected the mistake before the filing window closed.⁷ Consistent with our precedent in *South Barber*, we conclude that SLD's decision is supported by precedent and the underlying record.'

3. Further, to the extent that Lauderdale requests a waiver, we find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁹ Although the Commission has waived the filing deadline for FCC Forms 471 in cases where SLD either failed to post a properly submitted FCC Form 470 that did not necessitate conflict resolution, or excessively delayed before notifying an applicant of problems with an FCC Form 470, such circumstances are not present here.¹⁰ Thus, the circumstances described by Lauderdale are not special circumstances warranting a waiver.¹¹ Therefore, we affirm SLD and deny Lauderdale's Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ **0.91, 0.291**, 1.3, and 54.722(a), that the Request for Review filed by Lauderdale County Board of Education, Florence, Alabama, on August 17, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ Request for Review (attaching postcard from SLD, date not visible).

⁷ *Id.*

⁸ See *Request for Waiver by South Barber Unified School District 255 Kiowa, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, D.A. 01-2233 (Com. Car. Bur. rel. October 23, 2001) (*South Barber*) (underscoring the importance of the signature certification for the FCC Form 471).

⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*); see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis).

¹⁰ See, e.g., *Request for Review by Council Bluffs Community Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007282, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 18836 (Com. Car. Bur. 1999) (SLD failed to post applicant's FCC Form 470).

¹¹ See Request for Review.